

## II. REMARKS

Claims 1-21 are pending in the subject application and stand variously rejected by the Office in the outstanding Office Action. Claims 7 to 18 and 21 have been withdrawn from examination as a result of a requirement for restriction. By this Amendment and Response, claims 1 and 3 have been amended as suggested by the Office. Amended claims 1 to 6, 19 and 20, are presently under examination.

These amendments are made without prejudice or disclaimer and are not intended to be a dedication to the public the subject matter of the claims or their equivalents, as filed or as amended. Applicant reserves the right to pursue the claims as originally filed and amended in a later filed continuation application. No new matter has been added.

Support for the amendments to the claims can be found in the specification as originally filed. An issue of new matter is not raised by these amendments and entry thereof is respectfully requested.

In view of the preceding amendments and remarks that follow, reconsideration and withdrawal of the objections to the specification and the rejections of the claims are respectfully requested.

### 35 U.S.C. § 112 Second Paragraph

Claims 1, 3-6, 19, and 20 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office remarked that the extraction process of claim 1, and its dependents, is unclear. In response to the Office's rejection, but without conceding the correctness of the Office's position, claim 1 has been amended in a sincere effort to have the grounds for rejection withdrawn. In view of this amendment, reconsideration and withdrawal of the ground for rejection is respectfully requested.

Claim 3 was alleged to be indefinite on the ground the wording of steps a, b and e are confusing in regards to antecedent basis. In response to the Office's rejection, but without conceding the correctness of the Office's position, claim 3 has been amended as suggested

by the Office. In view of these amendments, reconsideration and withdrawal of the ground for rejection is respectfully requested.

### 35 U.S.C. § 102

Claims 1, 4, 19, and 20 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Wang et al., or alternatively, Xu et al., or alternatively WO 200069452A1. The Office argued that the claimed compositions and methods of claims 1, 4, 19 and 20 are identical to those disclosed in the cited references.

Applicant respectfully traverses. Claim 1 and its dependents have been amended to point out that the organic extract is isolated from a filtrate. The cited art does not teach that isolation step in combination with extraction with an organic solvent and therefore, the final composition and methods for obtaining it is not taught by the amended claims.

Reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. § 102, is respectfully requested.

### 35 U.S.C. § 103

Claims 1 and 4-6 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Wang et al. Claims 1, 2 and 4-6 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Xu et al., in view of Wang et al. Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over WO 200069452. Applicant respectfully traverses.

The amended claims require obtaining composition soluble in an organic solvent that was first isolated from a filtrate. The composition has a specified absorbance range which is not taught by the references, but to be presumed as the same as that of Applicant's composition. Applicant requests withdrawal of the rejection on the ground that the references do not teach that the disclosed compositions are useful to inhibit neovascularization. "That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown." *In re Spormann*, 363 F.2d 444, 448, 150 USPQ 449, 452 (CCPA 1996). Accordingly, removal of the rejection under 35 U.S.C. § 103, is

respectfully requested.

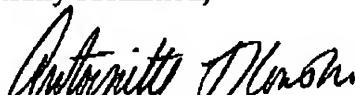
### III. CONCLUSION

No additional fee is deemed necessary in connection with the filing of this Amendment and Response. However, if the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2518, referencing billing number 23888 - 7008. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account. Should a telephone advance prosecution of the subject application, the Examiner is invited to contact the undersigned at (650) 849-4950.

DATE: June 17, 2003

Respectfully submitted,

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